GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – The Andhra Pradesh State Judicial Service Rules, 2007 - Amendments – Orders –Issued.

LAW (LA &J - SC.F) DEPARTMENT

G.O.Ms.No.29 Dated: 28.07.2017
Read the following:-

1. G.O.Ms.No.119, Law (LA&J.SC.F) Department, dt. 02.08.2008.
2. From the Registrar (Administration), High Court of Judicature at Hyderabad for the State of Telangana & the State of Andhra Pradesh Letter RoC No. 1487/2017-RC, dated 27.06.2017 and 04.07.2017.
3. From the Registrar (General), High Court of Judicature at Hyderabad for the State of Telangana & the State of Andhra Pradesh Letter RoC No. 1849/SO/2017, dated 18.07.2017.
4. Letter No. 56/SC F/A2/2016, Law (LA &J- SC F) Department, Dated 19.07.2017.
5. From the Secretary, Andhra Pradesh Public Service Commission Letter No. 610/RR/2017, dated. 21.07.2017

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O R D E R:

The following notification will be published in the Andhra Pradesh Gazette.

N O T I F I C A T I O N

In exercise of the powers conferred by the Article 233, 234, 235, 237 read with the proviso to Article 309 and proviso to Clause (3) of Article 320 of the contistitution of India, the Governor of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh State Judicial Service Rules 2007, issued in G.O.Ms.No.119, Law (LA&J-SC.F) Department, dated 02.08.2008.

AMENDMENTS

In the said Rules; -

1) In Rule 3 after Sub-Rule (2) and before the proviso, the following sub-rule shall be inserted, namely:-
"(3) The cadre strength of the above three categories shall be, as fixed by the Government as per the need and in consultation with the High Court"

2) In Rule 4, in sub-rule (2)
(i) for clause (b), the following clause shall be substituted, namely:-
"(b) Appointment to the category of District Judges shall be made:

i) By Direct recruitment.
ii) By Transfer on the basis of merit through a Limited Competitive Examination (Accelerated Recruitment by Recruitment by Transfer), and

iii) By Promotion from among the Senior Civil Judges.

(PTO)

Provided that 25% of the cadre strength shall be filled up by direct recruitment from among the eligible Advocates on the basis of written examination and viva voce test as prescribed by the High Court.

10% of the cadre strength shall be filled up by transfer through limited competitive examination of Senior Civil Judges who have put in not less than five years of qualifying service by the end of 31st March of the year; and if the candidates are not available for this 10% of cadre strength, or are not able to qualify in the examination in a panel year, then, the vacant posts in this cadre strength are to be filled up by regular promotion in accordance with these rules, and

65% of the cadre strength shall be filled up by Promotion from among the category of Senior Civil Judges who have put in at least 5 years of qualifying service by the end of 31st March of the year on the basis of seniority cum- merit".

(ii) for clause (c), the following clause shall be substituted, namely:-
"(C). Appointment to the category of Senior Civil Judges shall be made by promotion from the category of Civil Judges, who have put in not less than five years of qualifying service, selected by the High Court on the basis of seniority – cum –merit".

3) For Rule 5, the following rule shall be substituted, namely:-
"5) Eligibility:-

1) **District Judges:** A person to be appointed to the category of District Judges by direct recruitment shall be:

(a) One who has been practicing for not less than 7 years as an advocate as on the date of publication of the advertisement in the news papers:

Provided that a full time salaried Law Officer in the employment of the Central Government or State Government or any Public Corporation or Body constituted by statute shall not be eligible for the post of District Judge.

(b) A person, who has completed (35) thirty five years of age and who has not completed forty five years of age as on the first day of the month in which the notification inviting applications for such appointment is published in the newspapers.

Provided that the upper age limit in respect of persons belonging to the Schedule Castes; the Scheduled Tribes and Backward classes is relaxable by three years

(c) One who has good character, and is free from any infirmity, which renders him, unfit for such appointment.

Provided that no person shall be eligible for appointment to the category if:

Contd ….3

i) he is not a citizen of India;

ii) he is dismissed from service by any High Court;

iii) he has been convicted of an offence involving moral turpitude;

iv) he is or has been permanently debarred or disqualified by the High Court or Union Public Service Commission or any State Public Service Commission from appearing for examinations or selections conducted by it;

v) he directly or indirectly influences the recruitment authority by any means for his candidature;

vi) he has more than one wife living;

vii) she marries knowingly a person having a wife; and

viii) he is arrested in connection with any crime involving moral turpitude and concerned with the same.

Provided that no senior civil judge who is facing disciplinary charges or has undergone or is undergoing punishment for any irregularity in discharge of his/her duties shall be eligible for appointment by Accelerated Recruitment by Transfer or by Regular promotion to the post of District Judge.

2. Civil Judges:

a) By Direct Recruitment: A person to be appointed to the category of Civil Judges shall be:

i) One who has been practicing for not less than 3 years as an Advocate as on the date of publication of the advertisement in the news papers;

ii) A person who has not completed thirty five years of age as on the first day of the month in which the notification inviting applications for such appointment is published in the news papers.

Provided that the upper age limit of thirty five years is relaxable by five years in respect of the persons belonging to Scheduled Castes, Scheduled Tribes and Backward Classes.

Provided further that in the case of a candidate who served in the defense services of the Indian Union and who is otherwise qualified and suitable, the period of service rendered by him in the defense service, shall be excluded in computing the age for appointment by direct recruitment.

iii) One who has good character, and is free from any infirmity, which renders him, unfit for such appointment.

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Provided that no person shall be eligible for appointment to the category if:

i) he is not a citizen of India.

ii) he is dismissed from service by any High Court, Government and Statutory or Local Authority.

iii) he has been convicted of an offence involving moral turpitude;

iv) he is or has been permanently debarred or disqualified by the High Court or Union Public Service Commission or any State Public Service Commission from appearing for examinations or selections conducted by it;

v) he directly or indirectly influences the recruitment authority by any means for his candidature;

vi) he has more than one wife living;

vii) she marries knowingly a person having a wife; and

viii) he is arrested in connection with any crime involving moral turpitude and concerned with the same.

b) Recruitment by Transfer:

A person to be appointed to the category of Civil Judges by recruitment by transfer shall be:

i. A holder of a degree in law awarded by any University established by Law in India.

ii. A person who has not completed forty eight years of age as on the date first day of the month in which the notification inviting applications for such appointment is published in the news papers; and

Iii. A person who is maintaining good character and conduct.

Provided that no person who is facing disciplinary charges or has undergone any punishment or is in subsisting punishment for any irregularity in discharge of his duties shall be eligible for appointment by recruitment by transfer

4) for Rule 6, the following rule shall be substituted, namely:-

"6) Recruitment, methodology for conducting examination, selection process, fee etc.,

Contd….5

(a) On or before the 15th December of every year in the case of the Civil Judge and in the case of District Judges the 15th March of every year, the Recruitment Wing shall be informed of the number of existing vacancies and the vacancies that are likely to occur within one year for the post of Civil Judge and District Judge by the concerned Registry.

(b) The Recruitment Wing shall place the vacancy position of Civil Judges in the official web site of the High Court by 15th January every year and the vacancy position of District Judges in the Official Website of the High Court by 31st March of every year.

(c) Every year, the High Court, by advertisement in at least two newspapers, one in Telugu and the other in English and in the Official Gazette of the Government, invite applications in such form as it may determine from the intending candidates who possess the qualifications for filling the vacancies, indicating, inter-alia, the eligibility criteria, the syllabus, the number of marks allotted for written examination, the qualifying marks to be secured by a candidate, the number of marks allotted for the viva voce, the ratio in which the candidates are to be called for the written examination / Viva Voce. The advertisement shall also specify that the recruitment to these posts shall be made in accordance with the Andhra Pradesh State Judicial service Rules, 2007.

(d) For the purpose of short listing the candidates, who will be applying for the post of District Judge (Entry Level) by direct recruitment and Accelerated Recruitment by Transfer and for the post of Civil Judge, the High Court may, if necessary hold a screening test comprising of multiple choice objective type questions, on OMR Technology basis, and call upon the candidates in the ratio of 1:10 of the available vacancies, who have secured 40% and above marks in the Screening Test for a written examination.

Provided that if there are more than one candidate who have secured identical marks in the screening test, all such candidates shall be called for the written examination.

(e) (i) The High Court shall hold written examinations consisting of three papers i.e.(I) Civil Law, (II) Criminal Law and (III) English (Translation and Essay Writing) carrying 100 marks each, having a duration of 3 hours each respectively, for the post of Civil Judge and for the post of District Judge.

(ii) The medium of examination for writing the examination is English.

(iii) The syllabus for the screening test and written examination for Civil Judge/ District Judge recruitment is as detailed in Schedules C and D appended to the rules.

(f) The candidates applying for being appointed under Direct Recruitment who secures not less than 55% of marks in each paper and not less than 60% of marks in aggregate in the written examination shall be eligible for viva voce carrying 50 marks.

Provided that the candidates belonging to Backward Class category who secure not less than 50% marks in each paper and not less than 55% of marks in aggregate in the written examination shall be eligible for the Viva Voce:

Provided further that the Scheduled Castes and Scheduled Tribes candidates who secure not less than 45% marks in each paper and not less than 50% of marks in aggregate in the written examination shall be eligible for the viva voce:

Provided also that, the High Court shall call the candidates for viva voce for the post of Civil Judge / District Judge in the ratio of 1:3 of the available vacancies to the successful candidates:

Provided also that if there are more than one candidate who have secured identical cut off marks, for maintaining the ratio of 1:3, all such candidates shall be called upon to appear for Viva Voce:

Provided also that only such candidates who secures at least 60% marks in aggregate in written examination and viva voce and above in respect of OC/BC category and 50% marks in aggregate in written examination and viva voce and above in SC/ST category shall be eligible for selection.

(g) The same pattern of examination including the syllabus, which is fixed for direct recruitment of District Judges (Entry Level) shall be held for the promotion of District Judges under Accelerated Recruitment by Transfer.

Provided that the candidate applying under Accelerated Recruitment by Transfer who secures not less than 55% of marks in each paper and not less than 60% of marks in aggregate in the written examination shall be eligible for Viva Voce carrying 50 marks.

(h) The object of the written examination is to test the academic knowledge of the candidates.

(i) The object of the Viva Voce is to asses the suitability of the candidates for the cadre by judging the mental alertness, knowledge of law, clear and logical exposition, balance of judgement, skills, attitude, ethics, power of assimilation, power of communication, character and intellectual depth and the like of the candidates.

(j) A candidate who has committed any copying or misconduct during the course of Screening Test/Written Examination or has been convicted in a Criminal Case or is compulsorily retired, removed or dismissed from Judicial Service or any other service or could not successfully complete probation period of any post in Judicial Service shall not be eligible to appear for the competitive examination.

(k) Any Officer having found to be of doubtful integrity in any year, shall not be eligible to appear for the post of District Judge by promotion through Limited Departmental Competitive Examination (Accelerated Recruitment by transfer).

(l) Any candidate who remains absent for the Viva Voce either for the post of District Judge or Civil Judge, shall be deemed to have been disqualified for selection.

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(m) The decision of the High Court as to the eligibility or other wise of a candidate for admission to the written examination and Viva Voce shall be final. Only candidates who are issued with Hall Tickets shall be admitted for the examination.

(n) The High Court shall prepare in the order of merit, a list of candidates (group-wise) eligible for appointment either to the post of Civil Judge or District Judge. The number of candidates to be included in the list shall be equal to the number of vacancies notified. The list of provisionally selected candidates will be placed in the official website of the High Court.

Besides the selection list of Civil Judge/District Judge, the High Court shall prepare wait list, equal to ten percent (group –wise) of the number of vacancies notified for recruitment or one, whichever is higher. The said waiting list will be valid only for six months from the date of preparation till the issue of next notification, which ever is earlier.

(o) The High Court shall recommend the names of the selected candidates to the Government by completing the selection process.

(p) The Government within two months of receipt of the names of the selected candidates being forwarded to it, shall complete the process of verification of the antecedents of the candidates and medical examination. No person selected for appointment by direct recruitment shall be appointed unless he/ she is certified by the Medical Authority specified by the High Court for the purpose that he /she is medically fit to discharge the duties of the post to which he/she is selected for appointment.

(q) FEE: Every candidate for direct recruitment may be required to pay Rs. 500/- or such fee as may be fixed by the High Court from time to time in the notification inviting applications;

Provided that in the case of a candidate belonging to Scheduled Castes or Scheduled Tribes, the fee payable shall be one half of the fee specified in the notification for other candidates.

(r) All necessary steps not provided for in these rules for recruitment under these rules, shall be decided by the High Court.

(s) Joining time for Appointment

(i) A candidate selected by direct recruitment shall report for duty before the Authority on the date specified in the order of appointment.

(ii) Notwithstanding anything contained in sub-rule (i), the High Court may, on the application of the candidate, if satisfied that there are good and sufficient reasons for doing so, by order in writing, grant such further time as deemed necessary.

iii) The name of the candidate who fails to assume charge of the post within the time specified in the sub-rule (i) or within the further time granted under sub-rule (ii) shall stand deleted from the list of selected candidates and he/she shall cease to be eligible for appointment.

Contd …8

5) For Schedule A, the following schedule shall be substituted, namely:-

Schedule – A

[See Rule 13(a)]
(40_Point Roster Governing seniority of District Judges)

01. Direct Recruitment
02. Accelerated Recruitment by transfer
03. Regular Promotion
04. Regular Promotion
05. Direct Recruitment
06. Regular Promotion
07. Regular Promotion
08. Regular Promotion
09. Direct Recruitment
10. Regular Promotion
11. Regular Promotion
12. Accelerated Recruitment by transfer
13. Direct Recruitment
14. Regular Promotion
15. Regular Promotion
16. Regular Promotion
17. Direct Recruitment
18. Regular Promotion
19. Regular Promotion
20. Regular Promotion
21. Direct Recruitment
22. Accelerated Recruitment by transfer
23. Regular Promotion
24. Regular Promotion
25. Direct Recruitment
26. Regular Promotion
27. Regular Promotion
28. Regular Promotion
29. Direct recruitment
30. Regular Promotion
31. Regular Promotion
32. Accelerated Recruitment by transfer
33. Direct Recruitment
34. Regular Promotion
35. Regular Promotion
36. Regular Promotion
37. Direct Recruitment
38. Regular Promotion
39. Regular Promotion
40. Regular Promotion

6) After schedule B, the following schedules shall be inserted, namely:-

Contd ….9

SCHEDULE – C:

See Rule 6 (e) (iii)

Syllabus for the screening test if any written examination for the recruitment of District Judges:

CONSTITUTION AND CIVIL LAWS:

01) Code of Civil Procedure, 1908
02) Indian Evidence Act, 1872
03) Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation & Resettlement Act 2013.
04) Tenancy Laws including Land Reforms and Ceiling
05) Constitution of India, Administrative Law
06) Transfer of Property Act, 1882
07) Indian Contract Act, 1872
08) Motor Vehicle Act, 1988
09) Specific Relief Act, 1963
10) A.P. Prohibition Act, 1995
11) Laws on Inheritance, Succession, Marriage, Divorce, Adoption, Guardianship and Custody including incountry and intercountry adoptions.
12) Family Courts Act.
13) Indian Easements Act, 1882
14) Law of Torts
15) Limitation Act, 1963
16) Law relating to Intellectual Property
17) Stamps & Registration Act
18) Sale of Goods Act
19) Guardian & Wards Act
20) Indian Trusts Act

CRIMINAL LAWS:

01) Code of Criminal Procedure, 1973
02) Indian Evidence Act, 1872
03) Indian Penal Code, 1860
04) Protection of Civil Rights Act, 1955
05) Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities Act, 1989)
06) Negotiable Instrument Act, 1881 (Section 138 to 147)
07) Narcotic Drugs and Psychotropic Substances Act, 1985
08) Prevention of Corruption Act, 1988
09) A.P. Excise Act, 1968
10) Wild Life Protection Act, 1972
11) Juvenile Justice Act, 1986 (Care and Protection of Children) Act
12) Electricity Act, 2003
13) Protection of Women from Domestic Violence Act, 2005
14) Arms Act
15) Forest Act

SCHEDULE – D:

See Rule 6 (e)(iii)

Syllabus for the screening test / written examination for the recruitment of Civil Judges:

Contd….10

CIVIL LAWS:

01) Code of Civil Procedure, 1908
02) Indian Contract Act, 1872
03) Hindu Marriage Act, 1955
04) Hindu Succession Act, 1956
05) Indian Easements Act, 1882
06) Specific Relief Act, 1963
07) Limitation Act, 1963
08) Transfer of Property Act, 1882
09) Civil Rules of Practice
10) Registration Act, 1908 and Stamp Act, 1899
11) A.P. Land Encroachment Act, 1905
12) Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960
13) Indian Evidence Act, 1872

CRIMINAL LAWS:

01) Code of Criminal Procedure, 1973
02) Indian Penal Code, 1860
03) Indian Evidence Act, 1872
04) Negotiable Instruments Act, 1881
05) Protection of Women from Domestic Violence Act, 2005
06) Criminal Rules of Practice
07) A.P. Excise Act, 1968
08) A.P. Gaming Act, 1974
09) Juvenile Justice (Care and Protection of Children) Act".

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADEH)

D.VENKATA RAMANA
SECRETARY TO GOVERNMENT (LAW)

To
The Commissioner,
Printing, Stationery & Stores Purchase,(Printing Wing),Government Regional Press Building, Muthyalampadu, A.P., Vijayawada – 11, (with a request to furnish 100 copies of the Notification to Government and 100 copies to the Registrar (Admn.), High Court of Judicature at Hyderabad.
The Registrar (Admn.), High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh.
The Registrar (General), High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh.

Copy to:

The Principal Secretary to Hon'ble Governor of A.P., Raj Bhavan, Hyd.,
The P.S. to Special Chief Secretary to Hon'ble Chief Minister, Government of Andhra Pradesh, Velagapudi, Guntur Dist.
The PS to Hon'ble Minister for Law & Justice
The P.S. to Chief Secretary to Govt. of Andhra Pradesh.
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad,
The PS to Secretary to Government Law Department,
SF / SC.

// FORWARDED::BY ORDER //

SECTION OFFICER (SC)